

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
)	
v.)	CRIMINAL ACTION
)	NO. 05-40006-FDS
HERIBERTO RODRIGUEZ,)	
Defendant,)	
_____)	

STATUS REPORT

August 1, 2005

SWARTWOOD, C.M.J.

The following is a Status Report to Saylor, J. to whom this case is assigned:

1. Discovery

Completed.

2. Pre-Plea, Pre-Sentence Report

Mr. Rodriguez' counsel has filed a motion with Judge Saylor for a Pre-Plea, Pre-Sentence Report in order to expedite plea negotiations. I am informed that the Government has assented to this motion. I have advised counsel that I will await Judge Saylor's decision with respect to this motion before taking further action in this case.

3. Further Status Conference

A further status conference in this case has been scheduled

for August 29, 2005, at 2:45 p.m., in Courtroom 1, Fifth Floor, Donohue Federal Building, United States Courthouse, 595 Main Street, Worcester, Massachusetts.

4. Excludable Time

With the assent of counsel for the parties, I am excluding from the Speedy Trial Act, the period from July 15, 2005 (date of expiration of prior order of excludable time) through August 29, 2005 (date by which the parties will know the outcome of Mr. Rodriguez' motion for a pre-plea, pre-sentence report). Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Monday, November 7, 2005.

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
CHIEF MAGISTRATE JUDGE